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APPLICATION NO.	FI	LING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/615,666	07/09/2003		Juliana H. J. Brooks	BKL 113 (c)	9834	
26818	7590	03/24/2006		EXAMINER		
MARK G.			WONG, EDNA			
POST OFFICE BOX 310 NORTH EAST, MD 21901-0310				ART UNIT	PAPER NUMBER	
				1753		

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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-	Application No.	Applicant(s)	
Office Author Commence	10/615,666	BROOKS ET AL.	
Office Action Summary	Examiner	Art Unit	
	Edna Wong	1753	
The MAILING DATE of this communication Period for Reply	appears on the cover sheet wi	th the correspondence address	
A SHORTENED STATUTORY PERIOD FOR REWHICHEVER IS LONGER, FROM THE MAILING  - Extensions of time may be available under the provisions of 37 CF after SIX (6) MONTHS from the mailing date of this communication. If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by some any reply received by the Office later than three months after the nearned patent term adjustment. See 37 CFR 1.704(b).	G DATE OF THIS COMMUNION  R 1.136(a). In no event, however, may a r  n.  eriod will apply and will expire SIX (6) MON  tatute, cause the application to become AF	CATION.  eply be timely filed  THS from the mailing date of this communication.  ANDONED (35 U.S.C. & 133)	
Status			
1) Responsive to communication(s) filed on _			
2a) ☐ This action is <b>FINAL</b> . 2b) ☑ 2	This action is non-final.		
3) Since this application is in condition for allo	owance except for formal matt	ers, prosecution as to the merits is	
closed in accordance with the practice und	er <i>Ex par</i> te <i>Quayl</i> e, 1935 C.D	. 11, 453 O.G. 213.	
Disposition of Claims			
4) ⊠ Claim(s) <u>1-6</u> is/are pending in the application 4a) Of the above claim(s) is/are with 5) □ Claim(s) is/are allowed.  6) □ Claim(s) is/are rejected.  7) □ Claim(s) is/are objected to.  8) ⊠ Claim(s) <u>1-6</u> are subject to restriction and/or	drawn from consideration.		
Application Papers			
9) The specification is objected to by the Exan  10) The drawing(s) filed on is/are: a)  Applicant may not request that any objection to  Replacement drawing sheet(s) including the col  11) The oath or declaration is objected to by the	accepted or b) objected to the drawing(s) be held in abeyan rrection is required if the drawing	ce. See 37 CFR 1.85(a). s) is objected to. See 37 CFR 1.121(d).	
Priority under 35 U.S.C. § 119			
12) Acknowledgment is made of a claim for fore a) All b) Some * c) None of:  1. Certified copies of the priority document	nents have been received. Itents have been received in A Depriority documents have been Treau (PCT Rule 17.2(a)).	oplication No received in this National Stage	
Attachment(s)		·	
<ol> <li>Notice of References Cited (PTO-892)</li> <li>Notice of Draftsperson's Patent Drawing Review (PTO-948)</li> </ol>	4) ∐ Interview S Paper No(s	ummary (PTO-413) )/Mail Date	
Information Disclosure Statement(s) (PTO-1449 or PTO/SB Paper No(s)/Mail Date	/08) 5) Notice of Ir 6) Other:	formal Patent Application (PTO-152)	

U.S. Patent and Trademark Office PTOL-326 (Rev. 7-05) Application/Control Number: 10/615,666

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-4, drawn to a method for conditioning at least one conditionable participant in a fuel cell reaction system, classified in class 204, subclass 157.15.
- II. Claim 5, drawn to a method to affect a fuel cell reaction system with a spectral energy catalyst, classified in class 204, subclass 157.15.
- III. Claim 6, drawn to a method to affect a particular reaction pathway in a fuel cell reaction system with a spectral catalyst by augmenting a physical catalyst, classified in class 208, subclass 96.

The inventions are distinct, each from the other because of the following reasons: Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different designs, modes of operation, and effects (MPEP § 802.01 and § 806.06). In the instant case, the different inventions are not use together and they have different designs, modes of operation, and effects.

Group I is directed to a method comprising the step of applying at least one conditioning frequency to at least one conditionable participant to cause at least one of the formation, stimulation and stabilization of at least one conditioned participant, whereby said at least one conditioning frequency comprises at least one frequency selected from the group consisting of direct resonance conditioning frequencies,

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harmonic resonance conditioning frequencies and non-harmonic heterodyne conditioning resonance frequencies, which the methods of Groups II and III do not require.

Group II is directed to a method comprising the step of targeting at least one participant in said fuel cell reaction system with at least one spectral energy catalyst to cause at least one of the formation, stimulation and stabilization of at least one transient or at least one intermediate to result in desired reaction product, which the methods of Groups I and III do not require.

Group III is directed to a method comprising the steps of duplicating at least a portion of a spectral pattern of a physical catalyst with at least one energy emitter source to form a catalytic spectral pattern; and applying to the fuel cell reaction system at least a portion of the catalytic spectral pattern at a sufficient intensity and for a sufficient duration to catalyze at least one reaction in the fuel cell reaction system, which the methods of Group I and II do not require.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and the inventions require a different field of search (see MPEP § 808.02), restriction for examination purposes as indicated is proper.

Because these inventions are independent or distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one

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or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edna Wong whose telephone number is (571) 272-1349. The examiner can normally be reached on Mon-Fri 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on (571) 272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Edna Wong
Primary Examiner
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EW March 19, 2006